

REPORT

DATE: October 7, 2004

TO: Energy and Environment Committee
Regional Council

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SUBJECT: SCAG Assistance on Intergovernmental Framework for Water Quality

EXECUTIVE DIRECTOR'S APPROVAL:

RECOMMENDED ACTION:

The Water Policy Task Force recommends that the Executive Director be authorized to offer SCAG's assistance to the Los Angeles Regional Water Quality Control Board for development of an intergovernmental framework through which comprehensive and coordinated Total Maximum Daily Load (TMDL) implementation planning can be done for water quality compliance in the Los Angeles River watershed.

BACKGROUND:

At its meeting on September 9 the Water Policy Task Force heard testimony from a panel of speakers who discussed the Los Angeles River Metals TMDL proposed by the Los Angeles Regional Water Quality Control Board. A TMDL is a pollution control plan that is required by the Clean Water Act when water impairments are identified by local or state authorities. One of the water quality impairments of the Los Angeles River owes to the presence of metals in certain River reaches. As a result the Regional Board recently proposed a set of rules for eliminating the impairments, along with a plan for implementing specified control measures. The details of this Metals TMDL were described to the Task Force by Melinda Becker, a member of the Board staff.

The other speakers on the panel represented the following parties: the County of Los Angeles, the City of Los Angeles, the City of Burbank, the Coalition (of Cities) for Practical Regulation, and Caltrans District #7. Each speaker listed a variety of concerns with the proposed TMDL. The gravity of these concerns, already expressed at previous Board workshops, were sufficient to cause the Board to delay its adoption of a plan on September 2, 2004. (As a result, the federal court mandated deadline for the adoption of the Metals TMDL by the Board will require the USEPA to promulgate interim plan requirements without a TMDL implementation plan.)

One panelist brought forward a concern about the need for intergovernmental cooperation and coordination on Los Angeles River issues. He noted that 34 cities along the Los Angeles River each have responsibility for improving the water quality of the River but have no local agency framework in which to cooperate on policy and planning issues and on comprehensive, cost-effective

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implementation of pollution controls.

This concern tracks closely with SCAG's continuing interest and past support for local agency initiatives that use an "areawide" or watershed approach in planning and implementing the pollution controls needed to eliminate water impairments in the watersheds in the SCAG region.

This effort would focus on the planning and implementation of what are often referred to as "regional solutions". While this kind of strategy minimizes the duplication of environmental efforts and creates needed cost efficiencies for financially-strapped local agencies, it also requires the development of a intergovernmental framework in which these agencies can reach decisions, adopt cooperative measures and fund shared obligations. The Task Force believes that SCAG can facilitate this institutional framework and contribute to efforts will bring more cost-effective decision making to Los Angeles River watershed initiatives.

This approach to "regional solutions" is the subject of on-going discussions between staff and leaders in the California Councils of Government organization and elsewhere. These discussions address the need for a partnership approach between water quality regulators and the local governments responsible for compliance with discharge permits and other pollution control requirements in Basin Plans throughout California. This new approach would bring changes in the way the state's water quality process is structured. If adopted by state decision makers, this new approach would create new roles for local jurisdictions to the plan and implement pollution control measures and related programs. In these roles local jurisdictions would work closely with the state's water quality regulators who are responsible for determining beneficial uses and setting water quality objectives and for other rulemaking.

In the event that the Los Angeles Regional Water Quality Control Board responds favorably to this proposed offer of assistance, staff will work with the staff of the Board and of affected local jurisdictions to draft a conceptual implementation framework for the review and consideration of all affected parties.

FISCAL IMPACT: The offer by SCAG to assist in the development of an intergovernmental framework for water quality efforts along the Los Angeles River will have no fiscal impact on SCAG. The staff expense related to work on these water issues is supported by funding from work element 05-320. Any subsequent work resulting from a favorable response by the Regional Board will be the subject of a future report by staff to the appropriate policy committee(s) and the Regional Council.

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